

RAMONA WILLIAMS,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 93-95-A
MUSKOGEE AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	June 16, 1993

Appellant Ramona Williams seeks review of the failure of the Muskogee Area Director, Bureau of Indian Affairs (Area Director), to respond to her request that her Certificate of Degree of Indian Blood files be removed from the Cherokee Nation of Oklahoma, because she is not a member of that tribe. Appellant appealed under 25 CFR 2.8, which provides procedures for appealing the inaction of a BIA official.

The Board issued a predocketing notice in this matter on May 21, 1993. Noting that it did not have enough information upon which to base a conclusion as to whether it had jurisdiction under section 2.8, the Board gave both appellant and the Area Director an opportunity to file position statements regarding the Board's jurisdiction.

Appellant filed copies of two letters which she stated she sent to the Area Director. Based upon these letters, on May 26, 1993, the Board made a preliminary determination that it had jurisdiction under 25 CFR 2.8. The Board expressly provided in that order that the Area Director could still file a position statement.

The Area Director has filed a statement in which he indicates that appellant's first letter was not received, and that a timely response was made to appellant's second letter. He states that although the response was sent to the address appellant gave, it was returned because of an incorrect address. The fact that the Board had the same experience lent credence to the Area Director's assertions.

Although appellant's statement that she had followed the procedures set forth in section 2.8 established a prima facie showing of jurisdiction, her showing has been rebutted by the Area Director. Accordingly the Board dismisses this appeal as premature.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the inaction of the Muskogee Area Director is docketed and dismissed.

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Kathryn A. Lynn  
Chief Administrative Judge

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Anita Vogt  
Administrative Judge